

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: *Dale Frederick Womeldorf*

Chapter 7  
Bky Case No. 12-31003

Debtor.

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**NOTICE OF HEARING AND MOTION**  
**TO SELL PROPERTY OF THE ESTATE OTHER THAN**  
**IN THE ORDINARY COURSE OF BUSINESS**

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TO: Entities specified in Local Rule 6004-1 (9013-3).

1. Terri A. Running, the Trustee in the above case (the “Trustee”), moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 10:15 a.m. on May 22, 2013, in the United States Bankruptcy Court, Courtroom No. 2B, 200 United States Courthouse, 316 North Robert Street in St. Paul, Minnesota.

3. Any response to this Motion must be filed and served not later than May 17, 2013 which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(N). The petition commencing this case as a Chapter 7 case was filed on February 24, 2012 (the Petition Date). The case is now pending in this Court.

5. This Motion arises under 11 U.S.C. § 363(b) and Fed. R. Bankr. P. 6004. This Motion is filed under Fed. R. Bankr. P. 9014 and Local Rules 9013-1 and 6004-1. By this Motion, the Trustee requests the entry of an order authorizing the Trustee to sell certain property of the estate other than in the ordinary course of business. The Trustee proposes to sell the estate's interest the Property (defined below) along with the co-owners interest, in "as is" condition to David G. Odden, or his designees, for the sum of \$173,200.00 cash.

### **STATEMENT OF FACTS**

6. On the Petition Date, Dale Frederick Womeldorf (the "Debtor") owned an undivided 50% interest in certain real property located at 27821 North Shore Dr. in Starbuck, MN legally described as follows:

**Lot 6, Block 1, Wild Wood 2<sup>nd</sup> Addition, Pope County, MN.**

(the "Property").

7. The Trustee filed a complaint (Adv. 12-03292) seeking an order from the Court granting permission to sell both the estate's interest and co-owner Delores Bergstrom's ("Bergstrom") interest in the Property pursuant to 11 U.S.C. §363(h). The court issued an Order for Judgment on December 11, 2012 (the "Judgment").

8. Pursuant to the Judgment, the commencement of the bankruptcy proceeding severed the joint tenancy of the Debtor and Bergstrom in the Property, and converted the Debtor's undivided 50% interest in the Property to property of the bankruptcy estate under Minn. Stat. §550.19 Subd. 5.

9. Pursuant to the Judgment, the estate has the authority to sell the estate's interest in the Property, as well as Bergstrom's interest, under 11 U.S.C. §363(h). The Judgment

specifically provides that the division of the Property is impracticable and would cause great prejudice to the parties.

10. There is currently an offer in the amount of \$173,200.00 for the Property.

11. Patrick Flanders of Patrick Flanders Realty, Inc. is the real estate agent for this sale.

10. The Property is currently subject to mortgage in favor of Farmers State Bank in Dennison, MN in the amount of \$109,232.21.

11. Past-due real estate taxes and special assessments owed to Pope County are to be paid from the sale in the amount of \$878.80.

12. The anticipated real estate commission to be paid to Patrick Flanders Realty, Inc. for the sale will be \$17,320.00.

13. A settlement or closing fee in the amount of \$140.00 will be paid to Amundson & Johnson, P.A. from the sale proceeds.

14. A fee in the amount of \$100.00 will be paid to Amundson & Johnson, P.A. for title services and title insurance from the sale proceeds.

15. A state deed tax in the amount of \$571.56 will be paid out of the sale proceeds.

16. A fee for certified copies of the bankruptcy documents in the amount of \$22.00 will be paid out of the sale proceeds.

17. A recording fee in the amount of \$138.00 will be paid to the Pope County Recorder out of the sale proceeds.

18. A sewer inspection fee in the amount of \$375.00 will be paid to Rapid Response Plumbing and Heating out of the sale proceeds.

19. Mileage expenses to Patrick Flanders in the amount of \$261.00 will be paid out of the sale proceeds.

20. The Debtor's proceeds from the sale of the Property are partially exempt in the amount of \$1.00.

21. The trustee has determined that the expenses listed above are necessary to complete the sale.

22. The estate's share of the expenses referenced above will be 50% and Bergstrom's share of the expenses will be 50%.

23. The Trustee has considered the income tax consequences of the sale. Based upon the information available to the Trustee, the Trustee has concluded that the sale of the Property by the Trustee will result in income tax liabilities for the estate. Based upon the information available to the Trustee, the Trustee has concluded that such tax liabilities will not exceed the proceeds and that a significant portion of the funds will be available to the estate for distribution to creditors.

24. The estate will receive fifty percent of the net proceeds from the sale of the Property. The Debtor will be paid \$1.00 from the estate's net proceeds representing his claimed exemption in the Property. The remaining fifty percent of the net proceeds will be paid to Bergstrom. Based upon the information available to the Trustee, the Trustee believes that a sale of the Property to David G. Odden will result in estimated net proceeds to the estate of approximately \$22,079.71, (\$44,161.43 - \$22,080.72 (Bergstrom's interest) - \$1.00 (Debtor's interest)) not including income taxes, the cost for preparation of the bankruptcy estate's fiduciary tax returns, and attorney fees for this motion.

25. The Trustee believes that closing the sale is in the best interest of the estate and creditors. The Trustee believes that the selling price is appropriate due to the fact that it exceeds both the assessed property tax value and the comparative market analysis provided by the debtor. The Trustee believes that the closing of the sale will result in a material dividend to the creditors of the estate.

26. Because the amounts set forth above are estimates based upon the most recent information available to the Trustee, the Trustee believes authorization to pay any other amounts that may be, in the Trustee's judgment, necessary to close the sale of the Property, as well as authorization to execute and deliver any related or ancillary document that may be necessary to close the sale, is in the best interest of the estate and of the creditors.

WHEREFORE, the Trustee moves the court for the entry of an order as follows:

1. Authorizing the Trustee to sell, transfer, and convey pursuant to 11 U.S.C. § 363(b), the estate's interest and Bergstrom's interest in the Property located at 27821 North Shore Dr. in Starbuck, MN, legally described as: **Lot 6, Block 1, Wild Wood 2<sup>nd</sup> Addition, Pope County, MN**, to David G. Odden, or his designees, for the sum of \$173,200.00 cash, and directing the Trustee to execute and deliver to David G. Odden, or his designees, a Trustee's Deed.
2. Authorizing and directing the Trustee to pay the outstanding mortgage balance to Farmers State Bank in Dennison, MN in the amount of \$109,232.21 from the sale proceeds.
3. Authorizing and directing the Trustee to pay past-due real estate taxes and special assessments owed to Pope County in the amount of \$878.80 from the sale proceeds.
4. Authorizing and directing the Trustee to pay the anticipated real estate commission to Patrick Flanders Realty, Inc. in the amount of \$17,320.00 from the sale proceeds.

5. Authorizing and directing the Trustee to pay a settlement or closing fee in the amount of \$140.00 to Amundson & Johnson, P.A. from the sale proceeds.

6. Authorizing and directing the Trustee to pay a fee to Amundson & Johnson, P.A. for title services and title insurance in the amount of \$100.00 from the sale proceeds.

7. Authorizing and directing the Trustee to pay a state deed tax in the amount of \$571.56 out of the sale proceeds.

8. Authorizing and directing the Trustee to pay a fee for certified copies of the bankruptcy documents in the amount of \$22.00 out of the sale proceeds.

9. Authorizing and directing the Trustee to pay a recording fee to the Pope County Recorder in the amount of \$138.00 out of the sale proceeds.

10. Authorizing and directing the Trustee to pay a sewer inspection fee to Rapid Response Plumbing and Heating in the amount of \$375.00 out of the sale proceeds.

11. Authorizing and directing the Trustee to pay mileage expenses to Patrick Flanders in the amount of \$261.00 out of the sale proceeds.

12. Authorizing and directing the Trustee to pay the Debtor's claimed exemption in the sale proceeds in the amount of \$1.00 out of the sale proceeds.

13. Authorizing and directing the Trustee to pay 50% of the net proceeds to Bergstrom out of the sale proceeds.

14. Requiring the Debtor to cooperate with the Trustee in all matters relating to the sale of the Property.

15. Authorizing the Trustee to execute and deliver any related or ancillary document which may be necessary to complete the sale of the Property contemplated herein.

16. Authorizing the trustee to pay from any sales proceeds any other amounts that may, in the trustee's judgment, be necessary to close the sale of the property.

17. Making the court's order effective immediately, notwithstanding FED. R. BANKR. P. 6004(h); and,

18. Granting such other and further relief as is just and equitable.

Dated: April 23, 2013

/e/ Terri A. Running  
Terri A. Running  
I.D. No. 238338  
Running Law Firm, P.C.  
P.O. Box 583454  
Minneapolis, MN 55458  
(612) 279-2660  
(612) 279-2666 *facsimile*  
Attorneys for the Trustee

VERIFICATION

Terri A. Running, the moving party named in the foregoing Notice of Hearing and Motion, declares under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Dated: April 23, 2013

/e/ Terri A. Running  
Terri A. Running



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: *Dale Frederick Womeldorf*

Chapter 7  
Bky Case No. 12-31003

Debtor.

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**MEMORANDUM OF LAW SUPPORTING MOTION FOR AUTHORITY  
TO SELL PROPERTY OF THE ESTATE OTHER THAN  
IN THE ORDINARY COURSE OF BUSINESS**

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INTRODUCTION

The Trustee submits this memorandum of law in support of her motion to sell the estate's interest in certain real property located in Anoka County, Minnesota (the "Property").

FACTS

The facts contained in the motion are incorporated by reference.

ARGUMENT

Section 363(b)(1) of the Bankruptcy Code provides as follows:

(b)(1) The Trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.

11 U.S.C. §363(b)(1).

The statutory language of section 363(b)(1) indicates that there are two primary requirements to a sale of property other than in the ordinary course of business. In this case, all of the interested parties as required under the rules have been provided with notice of the trustee's intent to sell the property. Therefore, the trustee has met the first requirement of providing a notice. If an interested party objects to the sale, a hearing is set to address those

issues. Therefore, the trustee has met the second requirement of providing an opportunity for a hearing.

In addition to the procedural requirements, the right to enter into transactions other than in the ordinary course of business for the sale of property is subject to the restriction that the transaction must not be inconsistent with any relief granted from the automatic stay in bankruptcy. 11 U.S.C. § 362(d). In addition, the right to sell property other than in the ordinary course of business is subject to the right of any entity having an interest in the property to request the court to prohibit or condition such transaction as is necessary to provide adequate protection of such interest. 11 U.S.C. § 362 (e). In this case, the requirements will not prevent the sale of the Property.

There has been no relief from the automatic stay granted in this case in regard to the Property which is to be sold. The debt against the Property will be paid in full. Therefore, there has been no basis for a creditor of the Debtor to obtain relief from the automatic stay in regard to its rights in the Property.

Any entity with an interest in the Property would have the right to request adequate protection; however, in this case, all of the interests are adequately protected. There are no other owners in the Property to consent to the sale of the Property.

#### CONCLUSION

As the verified motion of the Trustee indicates, the sale of the Property will be in the best interest of creditors. The interests in the Property are all adequately protected. Therefore, the court should grant the Trustee's motion.

Dated: April 23, 2013

/e/ Terri A. Running  
Terri A. Running  
I.D. No. 238338  
Running Law Firm, P.C.

P.O. Box 583454  
Minneapolis, MN 55458  
(612) 279-2660  
(612) 279-2666 *facsimile*  
Attorneys for the Trustee

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re: Dale Frederick Womeldorf,  
  
Debtor.

Chapter 7  
Bky Case No. 12-31003

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**UNSWORN DECLARATION FOR PROOF OF SERVICE**

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I, Jesse A. Horoshak, declare that on the date indicated below, I served the following:

(1) Notice of Hearing and Motion to Sell Property of the Estate Other Than in the Ordinary Course of Business; (2) Memorandum of Law Supporting Motion for Authority to Sell Property of the Estate Other Than in the Ordinary Course of Business; (3) Unsworn Declaration for Proof of Service; (4) Proposed Order

upon each of the entities named below, by electronic service or by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at Minneapolis, Minnesota, addressed to each of them as follows:

SEE ATTACHED SERVICE LIST

and I declare under penalty of perjury that the foregoing is true and correct.

Date: April 22, 2013

/e/ Jesse A. Horoshak

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Label Matrix for local noticing 0864-3 Case 12-31003 District of Minnesota St Paul Mon Apr 22 14:50:10 CDT 2013	Atlas Acquisitions LLC Avi Schild 294 Union St Hackensack, NJ 07601-4303	Capital One Bank (USA), N.A. by American Inf PO Box 71083 Charlotte, NC 28272-1083
St Paul 200 Warren E Burger Federal Building and US Courthouse 316 N Robert St St Paul, MN 55101-1465	AEGIS P O BOX 404 Fort Mill, SC 29716-0404	AMERICAN EXPRESS P O BOX 0001 LOS ANGELES, CA 90096-0001
APEX FINANCIAL MGMT, LLC 1120 W LAKE COOK RD, STE A Buffalo Grove, IL 60089-1970	ARSI 555 ST. CHARLES DRIVE, STE 100 Thousand Oaks, CA 91360-3983	AT&T WIRELESS P O BOX 6416 CAROL STREAM, IL 60197-6416
AUGSBURG COLLEGE 2211 Riverside Avenue Minneapolis, MN 55454-1350	American Express Centurion Bank c/o Becket and Lee LLP POB 3001 Malvern PA 19355-0701	Atlas Acquisitions LLC 294 Union St. Hackensack, NJ 07601-4303
BANK OF AMERICA CREDIT CARD SERVICES P O BOX 15102 WILMINGTON, DE 19886-5102	BOTTOM LINE BOOKS % North Shore Agency, Inc 270 Spagnoli Road Melville, NY 11747-3516	(p)COLLECT AMERICA LTD 4340 S MONACO PKWY 2ND FL DENVER CO 80237-3408
CAPITAL MANAGEMENT SERVICES 726 EXCHANGE ST., STE 700 Buffalo, NY 14210-1464	CAPITAL MGMT SERVICES 726 EXCHANGE STREET SUITE 700 Buffalo, NY 14210-1464	CAPITAL ONE P O BOX 60599 CITY OF INDUSTRY, CA 91716-0599
CHARTER COMMUNICATIONS 3380 NORTHERN VALLEY PLACE NE Rochester, MN 55906-3954	CHASE P O BOX 15548 WILMINGTON, DE 19886-5548	CHASE P O BOX 15902 WILMINGTON, DE 19850
CHASE P O BOX 94014 PALATINE, IL 60094-4014	CITI CARD P O BOX 6077 Sioux Falls, SD 57117-6077	CLIENT SERVICES, INC 3451 HARRY TRUMAN BLVD ST. CHARLES, MO 63301-9816
COLLECTION BUREAU OF AMERICA P O BOX 5013 Hayward, CA 94540-5013	CONSTAR FINANCIAL SERVICES 3561 W BELL RD Phoenix, AZ 85053-2965	CREDITORS INTERCHANGE 80 HOLTZ DRIVE Buffalo, NY 14225-1470
Capital Alliance Financial, LLC c/o Stenger & Stenger, PC 2618 East Paris Ave SE Grand Rapids, MI 49546-2454	Capital One Bank (USA), N.A. PO Box 248839 Oklahoma City, OK 73124-8839	Capital One Bank (USA), N.A. by American InfoSource LP as agent PO Box 71083 Charlotte, NC 28272-1083

Charter Communications  
Attention: Cash Management  
279 Trowbridge Dr  
Fond Du Lac, WI 54937-9180

(P) DISCOVER FINANCIAL SERVICES LLC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

Discover Bank  
DB Servicing Corporation  
PO Box 3025  
New Albany, OH 43054-3025

EIS COLLECTIONS  
2323 LAKE CLUB DR, STE 300  
Columbus, OH 43232-3205

ENCORE RECEIVABLE MANAGEMENT  
400 N ROGERS RD  
P O BOX 3330  
OLATHE, KS 66063-3330

EXPERIAN BUSINESS INFORMATION  
475 ANTON BLVD  
Costa Mesa, CA 92626-7037

FARMERS STATE BANK  
37612 Goodhue Ave  
Dennison, MN 55018-7451

FIA CARD SERVICES, N.A.  
PO Box 15102  
Wilmington, DE 19886-5102

FIA CSNA  
P O BOX 17054  
Wilmington, DE 19884-0001

FIRST EQUITY CARD CORP  
%MESSERLI & KRAMER  
3033 CAMPUS DR #250  
Minneapolis, MN 55441-2662

FMA ALLIANCE LTD  
P O BOX 2409  
HOUSTON, TX 77252-2409

FREDERICK J. HANNA  
1427 ROSWELL ROAD  
Marietta, GA 30062-3668

GC SERVICES  
P O BOX 36347  
Houston, TX 77236-6347

GMAC  
PO Box 78369  
Payment Processing Center  
Phoenix, AZ 85062-8369

GURSTEL, STALOCH & CHARGO  
401 N THIRD ST, SUITE 590  
Minneapolis, MN 55401-2324

INTEGRITY FINANCIAL PARTNERS  
P O BOX 11530  
Overland Park, KS 66207-4230

J.C. CHRISTENSEN & ASSOC., INC  
P O BOX 519  
Sauk Rapids, MN 56379-0519

JNR Adjustment Company Inc  
PO Box 27070  
Minneapolis, MN 55427-0070

LTD FINANCIAL SERVICES  
7322 SOUTHWEST FREEWAY  
SUITE 1600  
Houston, TX 77074-2134

LVNV FUNDING LLC  
P O BOX 10497  
Greenville, SC 29603-0497

LVNV Funding, LLC its successors and assigns  
assignee of Capital One  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

LVNV Funding, LLC its successors and assigns  
assignee of Chase Bank USA, N.A.  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

MACY'S  
111 BOULDER INDUSTRIAL BLVD  
Bridgeton, MO 63044-1241

MANN BRACKEN LLC  
ONE PACES WEST, STE 1400  
2727 PACES FERRY RD  
Atlanta, GA 30339-1838

MERILEE SANDER  
1203 SUNSET COURT  
Northfield, MN 55057-3250

MESSERLI & KRAMER  
3033 CAMPUS DRIVE  
SUITE 250  
Minneapolis, MN 55441-2662

NATIONAL RECOVERIES, INC  
11000 CENTRAL AVE NE  
BLAINE, MN 55434

NATIONWIDE CREDIT, INC.  
P O BOX 740640  
ATLANTA, GA 30374-0640

NCB  
P O BOX 1099  
Langhorne, PA 19047-6099

NCO FINANCIAL SERVICES, INC.  
P O BOX 61247  
DEPT 64  
Virginia Beach, VA 23466-1247

NCO FINANCIAL SYSTEMS  
P O BOX 15773  
WILMINGTON, DE 19850-5773

NCO FINANCIAL SYSTEMS  
PO Box 15456  
Wilmington, DE 19850-5456

NORTHFIELD CLINICS  
2000 NORTH AVE  
Northfield, MN 55057-1697

NORTHFIELD HOSPITAL  
2000 NORTH AVENUE  
NORTHFIELD, MN 55057-1697

PALISADES COLLECTION  
210 SYLVAN AVE  
Englewood Cliffs, NJ 07632-2510

PHILLIPS & COHEN ASSOCIATES  
1002 JUSTISON STREET  
Wilmington, DE 19801-5148

PREFERREDONE  
6105 GOLDEN HILLS DRIVE  
Circleville, KS 66416

PROFESSIONAL SERVICE BUREAU  
P O BOX 331  
Elk River, MN 55330-0331

Palisades Collections, LLC  
Vativ Recovery Solutions LLC  
As Agent For Palisades Collections, LLC  
PO Box 40728  
Houston TX 77240-0728

RAB, INC.  
P O BOX 1022  
WIXOM, MI 48393-1022

RAUSCH, STURM, ISRAEL & HORNIK  
680 SOUTHDAL E OFFICE CENTRE  
6600 FRANCE AVE. S.  
Minneapolis, MN 55435-1805

REDLINE RECOVERY SERVICES  
11675 RAINWATER DR, STE 350  
Alpharetta, GA 30009-8693

STATE FARM BANK  
%NCB MGMT SERVICES  
P O BOX 1099  
Langhorne, PA 19047-6099

Star Tribune Circulation  
% Biehl & Biehl, Inc  
PO Box 87410  
Carol Stream, IL 60188-7410

State Farm Bank  
c/o Becket and Lee LLP  
POB 3001  
Malvern PA 19355-0701

Stenger & Stenger  
4095 Embassy Dr, SE  
Suite A  
Grand Rapids, MI 49546-2457

UNITED RECOVERY SYSTEMS  
P O BOX 722929  
HOUSTON, TX 77272-2929

(p)US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

US Trustee  
1015 US Courthouse  
300 S 4th St  
Minneapolis, MN 55415-3070

VONAGE  
%ACA INTERNATIONAL  
P O BOX 988  
Harrisburg, PA 17108-0988

WELLS FARGO  
P O BOX 5169  
Sioux Falls, SD 57117-5169

WELLS FARGO BANK  
P O BOX 29746  
PHOENIX, AZ 85038-9746

ZWICKER & ASSOCIATES, P.C.  
80 MINUTEMAN ROAD  
Andover, MA 01810-1008

DALE FREDERICK WOMELDORF  
1507 GOLDENROD  
NORTHFIELD, MN 55057-3427

David G Keller  
Grannis & Hauge  
1260 Yankee Doodle Rd Ste 200  
Eagan, MN 55121-2250

Terri A. Running  
PO Box 583454  
Minneapolis, MN 55458-3454

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Patrick Flanders Realty Inc,	(d)REDLINE RECOVERY SERVICES	End of Label Matrix	
	11675 Rainwater Dr	Mailable recipients	85
	Suite 350	Bypassed recipients	2
	Alpharetta, GA 30009-8693	Total	87



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: *Dale Frederick Womeldorf*

Chapter 7  
Bky Case No. 12-31003

Debtor.

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**ORDER**

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This matter came on for hearing on the trustee's motion for authority to sell property of the estate other than in the ordinary course of business. The court, having reviewed the motion and having considered the evidence and matters on file herein:

IT IS ORDERED:

1. The Trustee's motion is granted; and
2. The Trustee is authorized and directed to sell, transfer, and convey pursuant to 11 U.S.C. § 363(b), the interests of both the bankruptcy estate and Bergstrom in the Property located at 27821 North Shore Dr. in Starbuck, MN, legally described as: **Lot 6, Block 1, Wild Wood 2<sup>nd</sup> Addition, Pope County, MN**, to David G. Odden, or his designees, for the sum of \$173,200.00 cash, and directing the Trustee to execute and deliver to David G. Odden, or his designees, a Trustee's Deed.
3. The Trustee is authorized and directed to pay the outstanding mortgage balance to Farmers State Bank in Dennison, MN in the amount of \$109,232.21 from the sale proceeds.
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13. The Trustee is authorized and directed to pay the Debtor's claimed exemption in the sale proceeds in the amount of \$1.00 out of the sale proceeds.

14. The Trustee is authorized and directed to pay 50% of the net proceeds to Bergstrom out of the sale proceeds.

15. The Debtors shall cooperate with the Trustee in all matters relating to the sale of the Property.

16. The Trustee is authorized to execute and deliver any related or ancillary document which may be necessary to complete the sale of the Property contemplated herein.

17. The Trustee is authorized to pay from any sales proceeds any other amounts that may, in the trustee's judgment, be necessary to close the sale of the property.

18. Notwithstanding FED. R. BANKR. P. 6004(h), this order is effective immediately; and,

19. Any other such relief that is just and equitable.

Dated:

---

Dennis D. O'Brien  
United States Bankruptcy Judge